

1989 No. 404 (C.15)

**HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND**

**The Housing Act 1988 (Commencement No. 4)
Order 1989**

Made - - - - *9th March 1989*

The Secretary of State, in exercise of the powers conferred on him by section 141(2) and (4) of the Housing Act 1988(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

1.—(1) This Order may be cited as the Housing Act 1988 (Commencement No. 4) Order 1989.

(2) In this Order—

“the 1985 Act” means the Housing Associations Act 1985(b), and

“the 1988 Act” means the Housing Act 1988.

2.—(1) Subject as hereinafter provided, the following provisions of the 1988 Act shall come into force on 1st April 1989—

Part II to the extent that it is not yet in force, except in so far as section 59 relates to paragraph 27 of Schedule 6,

section 129,

section 140(1) in so far as it relates to paragraph 66, 89, 97, 103 and 106–113 of Schedule 17, and

section 140(2) in so far as it relates to the repeals in—

(a) the 1985 Act, except for

(i) section 55, and

(ii) sections 56 and 57 in so far as they relate to hostel deficit grants,

(b) the Housing and Planning Act 1986(c) to the extent that such repeals are not yet in force,

(c) the Housing (Scotland) Act 1986(d),

(d) the Landlord and Tenant Act 1987(e) to the extent that such repeals are not yet in force,

(e) the Local Government Act 1988(f), and

(f) the Housing (Scotland) Act 1988(g) to the extent that such repeals are not yet in force.

(a) 1988 c.50.
(b) 1985 c.69.
(c) 1986 c.63.
(d) 1986 c.65.
(e) 1987 c.31.
(f) 1988 c.9.
(g) 1988 c.43.

(2) The following provisions of the 1988 Act shall come into force on 5th April 1989—
Part IV to the extent that it is not yet in force,
section 127, and
section 140(1) in so far as it relates to paragraphs 17(1), 38 and 39 of Schedule 17.

3. The repeal and amendment of provisions of the 1985 Act shall be subject to the following provisions:

- (a) the repeal of section 52 (circumstances in which grant may be reduced, suspended or reclaimed) and of section 16 of the Housing (Scotland) Act 1986 (which amends that section) shall not apply where section 52 would otherwise apply by virtue of events described in subsection (1) of that section occurring before 1st April 1989 (and in relation to sub-section (1)(b) the event in question is the land ceasing to be used, or to be available for use, as therein described);
- (b) the repeal of section 53 (recoupment of surplus rental income) shall not apply in relation to any surpluses arising during a period which expires before 1st April 1989;
- (c) there shall not apply in relation to revenue deficit grant payable to an association for a period which expires before 1st April 1989—
 - (i) the repeals of section 54 (revenue deficit grants), and sections 56 and 57 to the extent that they relate to revenue deficit grants,
 - (ii) the amendment to section 69A(a) (land subject to housing management agreement) by paragraph 29 of Schedule 6 to the 1988 Act, and
 - (iii) the substitution of the definition of “housing activities” in section 106(1) effected by paragraph 36 of Schedule 6 to the 1988 Act;
- (d) the repeal of section 62 (grants for affording tax relief) and of paragraph 8(1) of Schedule 5 to the Housing and Planning Act 1986 (which amends that section) shall not apply in relation to a grant payable to an association in respect of a period which commences before 1st April 1989.

4. The amendment of section 69A of the 1985 Act (land subject to housing management agreement) by paragraph 29 of Schedule 6 to the 1988 Act does not apply for the purposes of hostel deficit grant payable under section 55 of the 1985 Act.

9th March 1989

Nicholas Ridley
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st April 1989 the following provisions of the Housing Act 1988—

- (a) Part II (housing associations) to the extent that it is not in force, subject to provisions in articles 3(c) and 4;
- (b) section 129, which provides for schemes to assist local housing authority tenants to obtain other accommodation;
- (c) section 140 in relation to certain minor and consequential amendments in Schedule 17 and repeals in Schedule 18 (subject to the provisions of article 3).

(a) Section 69A was inserted by paragraph 42 of Schedule 5 to the Housing and Planning Act 1986.

It brings into force on 5th April 1989 those provisions of Part IV of the Housing Act 1988 (change of landlord) not yet in force (together with related minor amendments) and section 127) Preserved right to buy).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 46(1) and (2) Section 47(2) Section 47(6) (partially) Section 140(1) (partially)	1 December 1988	1988/2056
Section 140(1) (partially) Section 140(2) (partially)	2 January 1989	1988/2152
Section 49	15 January 1989	1988/2152
Section 57 Section 59(1) Section 59(2) and (3) (partially) Section 94 Section 106 Sections 111 to 114 Section 119 Section 140(1) (partially) Section 140(2) (partially)		
Section 122 Section 124 Section 140(2) (partially)	March 1989	S.I. 1989/
